IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 19692 of 2006(T)

PETITIONER:

M/S.OONNOONNY LUKOSE & COMPANY
KALLISSERY,
A.W.D.-4 CHENGANNOOR TALUK, REP. BY ITS
MANAGING PARTNER, NAMELY JEENS C.M., S/O.MUHAMMED,
AGED 28 YEARS, RESIDING AT CHERIPURATH (H),
PANIPRA.P.O, IRAMALLOOR VILLAGE, KOTHAMANGALAM.

BY ADV. SRI.C.K.PAVITHRAN
SMT.N.S.SUMI

RESPONDENTS:

1. GOVERNMENT OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
FOOD AND CIVIL SUPPLIES DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM.

3. DISTRICT SUPPLY OFFICER,
ALAPPUZHA.

BY G.P. SHRI.MOHANAN V.T.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 19692/06

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE RETIREMENT DEED DTD.15.10.2004.

P2. COPY OF THE RECONSTITUTED DEED DTD.13.9.2004.

P3. COPY OF THE LETTER DTD.8.4.2005.

P4. -DO- DTD.17.5.2005.

P5. -DO- DTD.20.6.2005.

P6. COPY OF THE JUDGMENT DTD.6.11.1996 IN O.P.NO.10237/06 OF THIS COURT.

P7 COPY OF THE GOVT. ORDER DTD.28.8.97.

P8. COPY OF THE GOVT. ORDER DTD.6.8.98.

P9. COPY OF THE REVIEW PETITION DTD.3.7.2006.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

==========

W.P.(C).No.19692 of 2006

==========

Dated this the 7th day of June, 2007

J U D G M E N T

The petitioner filed an application for permission to continue the wholesale business under the reconstituted firm, which was rejected by the Government by Ext.P3 stating that no documents have been produced to show that the newly inducted partners are close relatives of the retired partners. The contention of the petitioner is that it is not mandatory that the incoming partners shall be close relatives of the retired partners, going by Ext.P6 judgment, considering which Ext.P8 order has been passed allowing similar reconstitution. Therefore, the petitioner seeks a direction to the 1st respondent to consider Ext.P9 representation filed by him in the light of Exts.P6 and P7.

2. I have heard the learned counsel for the

petitioner as also the learned Government Pleader.

3. In the facts and circumstances disclosed in the writ petition, there would be a direction to the 1st respondent to consider and pass appropriate orders on Ext.P9 as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner. The petitioner would be free to produce Exts.P6 and P7 and press his claims on the basis of Exts.P6 and P7. The 1st respondent shall consider the claims of the petitioner on the basis of Exts.P6 and P7.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.